



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/820,054 | 03/28/2001 | Adam R. Schran | 10397-1U1 | 3079 |

570 7590 11/18/2005

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2161

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--------------------------|------------------------|---------------------|--|
| Interview Summary | Application No. | Applicant(s) | |
| | 09/820,054 | SCHRAN ET AL. | |
| | Examiner | Art Unit | |
| | Etienne LeRoux | 2161 | |

All participants (applicant, applicant's representative, PTO personnel):

- (1) Safet Metjahic. (3) Clark Jablon.
 (2) Etienne LeRoux. (4) Adam R. Schran.

Date of Interview: 14 November 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1, 7, 8, 12, 16, 22, 27.

Identification of prior art discussed: Montulli and Hsu.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Applicants' argued that Montulli does not disclose the step of receiving a cookie list request at the server from a client as set forth in Claim 1. Also, Applicants argued that Hsu can not be relied on because of the deficiency noted in the attached agenda. After a lengthy discussion on the Montulli and Hsu references, the Examiner agreed that Montulli does not disclose the step of receiving a request for a cookie list at the server from a client as claimed. The examiners indicated that they shall reopen prosecution. See also attached Agenda.

AGENDA ITEMS FOR 11/14/05 TELEPHONE INTERVIEW

1. Fundamental differences between cookies and cookie file sources, requesting a list of cookies vs. requesting a list of cookie file sources, and downloading a list of cookies vs. downloading a list of cookie file sources.

2. Even if one assumes, *arguendo*, that cookies are equivalent to cookie file sources, neither Montulli nor Hsu disclose or suggest that a client machine request cookies from a server. In Montulli, a customer requests web pages of products that the customer may be interested in buying. The customer does not ask for any cookies. This request may result in cookies being returned to the customer's client machine, but it is not a result of asking for cookies. Hsu discloses a cookie control process in paragraphs [0057], [0058] and [0089] wherein a list of cookies that are not to be passed on to a client machine are maintained at a server and are never transferred to the client machine (terminal 16). Hsu thus teaches away from requesting a list of cookies to be sent or downloaded to a client machine.

3. Chart from page 5 of Pre-Appeal Brief that shows improper use of text portions of Hsu:

| Independent claims | Grounds of Rejection | Reference to paragraphs [0062] and/or [0063] in the Final Office Action |
|--------------------|-----------------------------------|---|
| | | |
| 1 and 16 | Reha in view of Hsu | page 4, lines 6-11 |
| 7 and 22 | Reha and Hsu in view of McCormick | page 5, last line |
| 12 and 27 | Reha and Hsu in view of McCormick | page 7, lines 12-15 |

Reha discloses downloading a list of software components but lacks a disclosure of downloading a list of cookie file sources. Paragraph [0058] of Hsu does not make up for the deficiency in Reha since Hsu explicitly discloses that the list of cookies is maintained only at the server and is not downloaded to a client machine. The combination of Reha and Hsu thus still lacks a disclosure of a client machine downloading or receiving a list of cookie file sources from a server or service provider.

4. Dependent claims 3 and 9: Paragraph [0025] of Hsu does not discuss "periodic updating."

APPENDIX D

(Application No. 09/820,054
Reply to Office Action of December 20, 2004)

| Filing Date of Hsu's priority application (09/580,365) | Filing Date of Applicants' priority application (60/264,382) | Filing Date of applied Hsu reference (09/792,226) | Filing Date of present application 09/820,054) |
|--|--|---|--|
| May 26, 2000 | January 26, 2001 | February 22, 2001 | March 28, 2001 |

May 26, 2000

January 26, 2001

February 22, 2001

March 28, 2001

Notes:

Does not contain paragraphs
[0062] and [0063] of the applied
Hsu reference

[fully describes invention
claimed in the present application]